

EXECUTIVE OFFICE OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

VIOLET VARONA-LUKENS
Executive Officer



August 7, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Violet Varona-Lukens *vv*
Executive Officer

Subject: **LACERA ELECTION**

On your Board's agenda for next Tuesday, August 12, is Item 14 in which I have recommended that your Board declare official the results of the elections for the Third Members, Board of Investments and Board of Retirement of the Los Angeles County Employees Retirement Association, and that you reject a protest that was filed with regard to the election for the Third Member, Board of Investments.

Among the provisions contained in your Board's resolution establishing the procedures for this election is item number 27 that permits candidates to protest the results of the election (Attachment 1). Under the procedures, a candidate who files a protest is required to describe, in writing, the grounds for the protest and to accompany the protest with supporting documentation. Implicit in this provision is the requirement that the candidate show that the alleged defect changed the results of the election.

As indicated in my most recent Board letter (Attachment 2), Mr. Brian Brooks, an unsuccessful candidate for the Third Member, Board of Investments has filed a protest of the election result. (His letter of protest is part of Attachment 2.) The following summarizes the allegations in Mr. Brooks' protest and the Executive Office's responses:

- *The Auditor-Controller's master address file contained many incorrect addresses resulting in "thousands" of ballots being returned undeliverable by the U.S. Postal Service.*

The Registrar-Recorder/County Clerk reports that, of the 76,944 ballots mailed only 1,546 ballots (2%) were returned undeliverable. Ultimately, the burden falls on County employees to ensure that their mailing address information is accurate and up to date. We believe that employees are doing a good job in that regard, as the number of undeliverable ballots continues to decline each year. A 2% return rate is, in our view, quite good for a file that size.

- *The Registrar did not have sufficient time to process duplicate ballot requests.*
The Registrar reports that all duplicate ballot requests received by her department were timely processed without difficulty. Moreover, there was considerably more time in the election timetable for the Registrar to respond to requests for duplicate ballots than the one day cited in Mr. Brooks' protest. The "one day" that he refers to was merely the time between the *final* day on which departments could forward requests to the Registrar and the deadline for the Registrar to mail duplicate ballots.
- *Many eligible voters were not informed about the duplicate ballot request procedure.*
Your Board's procedures require County department heads to post duplicate ballot request information, including the name and telephone numbers of departmental election coordinators, at the work locations of eligible voters. Executive Office staff also prepares a handbook for departmental election coordinators and conducts a training workshop for coordinators to acquaint them with the requirements to post the election notice and to timely process duplicate ballot requests, among other things.

It is the routine procedure of the Executive Office also to publish information concerning the duplicate ballot procedures in the County Digest. This information appeared in the June 2003 issue of the Digest, which was published four days prior to the date the Registrar mailed election ballots to employees and 20 days before the deadline for employees to request a duplicate ballot.

Mr. Brooks has not presented evidence to support a claim that an error, omission or neglect occurred that was attributable to the County in the administration of the election and that had any effect on the outcome of the election, as required by items 27 and 29 of your Board's March 18, 2003 election resolution. Therefore, the allegations contained in his protest do not constitute grounds for your Board to order that a new election be held. It is proper for you to reject Mr. Brooks' protest.

Deputy Executive Officer John McKibben will contact your staff prior to next Tuesday's meeting to answer any questions you may have.

c: Chief Administrative Officer
County Counsel
Registrar-Recorder/County Clerk